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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,940

04/28/2006

Jeffrey Manber

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4351

7590 10/06/2010  
Jeffrey Manber  
545 East Braddock Road #503  
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EXAMINER
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HENRY, THOMAS HAYNES

ART UNIT	PAPER NUMBER
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3717

MAIL DATE	DELIVERY MODE
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10/06/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,940	<b>Applicant(s)</b> MANBER, JEFFREY	
	<b>Examiner</b> THOMAS H. HENRY	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ward (US 5826882).

3. It is noted by the examiner that the prior art is only required to be capable of performing the function described of functional language such as “adapted for being played in zero gravity”.

4. In re claim 1, Ward discloses

- A chamber (the slot cabinet or housing is the chamber, figure 3, the entire exterior of the device is the chamber)
- Games of chance housed within the chamber and adapted for being played in zero gravity, including means for enclosing game boards, playing objects and wagering tokens within enclosures to confine the objects and tokens within an enclosed space to prevent the objects and tokens from floating away (the slot machine is housed within the housing, and may be played in zero gravity, and the slot machine inside would not float away from the housing)

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- Seating devices for positioning and holding players within playing distance of the games of chance (figure 2)
- Wagering devices for accepting and paying wagers from the players on the games of chance (figure 3 #36, bills are the wagering devices)

5. In re claim 2, Ward discloses

- A modular seated chamber adapted for being launched into space adapted for operation in space adapted for placement aboard an air or space vehicle and adapted for accommodating gaming devices, game players, and staff people (figures 2 and 3. The cabinet is a seated chamber, as it is a chamber, and there is a seat associated with it, it is capable of being launched into space, And can accommodate game devices, players, and staff)
- Gaming devices housed within the chamber and adapted to receive gaming objects and to prevent them from floating away (figure 3. #36, bills are gaming objects)
- Devices within the chamber for positioning the game players and staff people at positions nearby the gaming devices (the devices position them near the staff by interesting them in the game)
- Devices to accommodate wagering on the gaming device (figure 3 #36, bill collector)

6. It is noted by examiner that applicant has invoked 112 6th paragraph by use of the "means for" language.

7. In re claim 3, Ward discloses

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- A game environment having an enclosure and having internal positions representing winning and losing positions and adapted for receiving movable game objects and adapted to prevent the game objects from floating away (figure 3)
- Means for randomizing the game objects (as it is a slot machine, the means for randomizing the game objects is a reel or a processor. In the current invention, the means are described as different ways of causing a random outcome, such as a magnet on metal dice for a craps game, and suction for a roulette game.)
- Means for introducing the game objects into the game environment (figure 3 #36. The means for introducing objects is generally some sort of opening)
- Means for randomly urging the game objects onto winning and losing positions within the game environment (the spinning and stopping of the reels. The means for randomly urging is different ways of causing a random outcome, such as a magnet on metal dice for a craps game, and suction for a roulette game.)
- Means for positioning players and staff people at playing positions adjacent to the game environment (figure 2. the means for positioning players is seating devices)
- Means for enabling players to wager on the game (figure 3 #36, the means for enabling players to wager is generally tokens or wagering devices)
- Means for ending the game and for determining winners and losers (the spinning and stopping of the reels. The means for ending the game is

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different ways of causing a random outcome, such as a magnet on metal dice for a craps game, and suction for a roulette game.)

- Means for viewing the operation and results of the game (the reels are shown to the player. The means for viewing is allowing a player to see within the chamber.)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

Thomas H Henry  
Examiner  
Art Unit 3714